# City of Fremont Initial Study

1. **Project**: Fremont Gateway (PLN2012-00243)

2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**
City of Fremont Community Development Dept., 39550 Liberty Street, 1st Floor, Fremont, CA 94538

3. **Lead Agency contact person:**
Clifford Nguyen, Associate Planner; Phone: (510) 494-4769, E-mail: cnguyen@fremont.gov

4. **Project location:** 3800-3858 Beard Road and 34044 Fremont Boulevard, Fremont, CA 94555 (APNs: 543-0336-024-00, 543-0336-023-00, and 543-0336-029-00)

5. **Project Sponsor's name and address:**
Jim Meek, Tim Lewis Communities, 3300 Douglas Boulevard, Building 400, Suite 450, Roseville, CA 95661

6. **General Plan Land Use Designation:** Medium Density Residential (14.6-29.9 du/ac) for approximately 2.8 acres; and, Low Density Residential (8.8-14.5 du/ac) for approximately 1.9 acres

7. **Current Zoning:** R-3-23, R-3 Multi-family Residence District, and R-1-6, Single-family Residence District.

8. **Description of project:** .The applicant proposes a rezoning to a Preliminary and Precise Planned District, Vesting Tentative Tract Map 8117, a Preliminary Grading Plan, and Street Vacation of excess street right of way of approximately 747 square feet at the Fremont Boulevard/Beard Road intersection to facilitate the development of 63 new residential detached units on 4.6 net acres. The development of the project is proposed in two phases: the first phase would include 45 units to be constructed in 2013; and, the future second phase would include 18 additional units at a time yet to be determined. The plan calls for the eventual removal of all existing site structures, approximately 35,000 cubic yards of total grading, public street improvements along the Beard Road and Fremont Boulevard frontages, and retention of an existing evergreen ash tree within a proposed common open space. The project would be accessed from Beard Road and served internally by a network of vehicular and pedestrian systems in the form of a loop private street connected to motor courts and centrally located doubled-loaded paseos. All units would be three stories and detached with 19 front-loaded units (entrance and garage facing street) and 44 rear-loaded units (garage facing the rear of unit). A large centralized common open space containing the evergreen ash would be approximately 5,500 square feet in size. See Exhibit A for the Site Plan.

9. **Surrounding land uses and setting:**

**Setting**
The property is located at the northeast corner of Fremont Boulevard, a primary arterial road, and Beard Road, a residential collector street. The property is developed and consists of an active roadside market with a graveled parking lot which established in the mid-1950s at the corner of Fremont Boulevard and Beard Road. Further to the east there is an active church constructed in the late 1970s (Hope Evangelical Lutheran Church) with associated parking lot improvements accessed from Beard Road. The property is relatively flat and situated at an elevation of 28 feet above mean sea level. The site is a largely treeless field, tilled for weed control, with an evergreen ash tree and what appear to be remnants of a longer row of eucalyptus trees along the north edge of the property.

**Surroundings**
The property is located at the edge of a predominately residential part of the City's North Fremont

Community Plan Area. The east edge of the property is defined by a concrete block wall that appears to have been constructed by the adjoining multi-family development, Parkside Place Apartments on Milton Terrace off of Fremont Boulevard. The north edge of the property is defined by the Hope Evangelical Lutheran Church and its parking area and grounds. The south edge of the property is bound by Fremont Boulevard where an active roadside market with its work yard is located. The project frontage north-south along Fremont Boulevard is unimproved and approximately 232 feet in length; and, the project frontage east-west along Beard Road is partially improved and approximately 619 feet in length. In proximity are single-family residences built in the 1980s-1990s to the north and west; commercial uses to the south; and, multi-family residences (Parkside Place) to the east, and Interstate 880 approximately 500 feet to the north.

10. **Congestion Management Program - Land Use Analysis:** The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

| | | | | |
|---|---|---|---|---|
| ☐ | YES | ☒ | NO | This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency. |
| ☐ | YES | ☒ | NO | A Notice of Preparation is being prepared for this project. |
| ☐ | YES | ☒ | NO | An Environmental Impact Report is being prepared. |

11. **Other public agencies requiring approval:** N/A

12. **Other Previous Environmental Review :**
City of Fremont recently certified the Final EIR (SCH#2010082060) for the General Plan Update and approved the General Plan Update on December 13, 2011.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

| | | | | | |
|---|---|---|---|---|---|
| | Aesthetics | | Agriculture and Forrest Resources | **M** | Air Quality |
| **M** | Biological Resources | | Cultural Resources | | Geology / Soils |
| | Hazards & Hazardous Material | | Hydrology / Water Quality | | Land Use / Planning |
| | Greenhouse Gas Emissions | | Mineral Resources | **M** | Noise |
| | Population / Housing | | Public Services | | Recreation |
| | Transportation / Traffic | | Utilities / Service Systems | | Mandatory Findings of Significance |

**DETERMINATION BY THE CITY OF FREMONT:**

On the basis of this initial evaluation:

| | |
|---|---|
| | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. |
| **X** | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. |
| | I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. |

| | |
|---|---|
| | I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. |
| | I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. |

Signature: _____ Date: 12/10/2012

Printed Name: Clifford Nguyen, Associate Planner For: City of Fremont

Senior Planner Review: _____

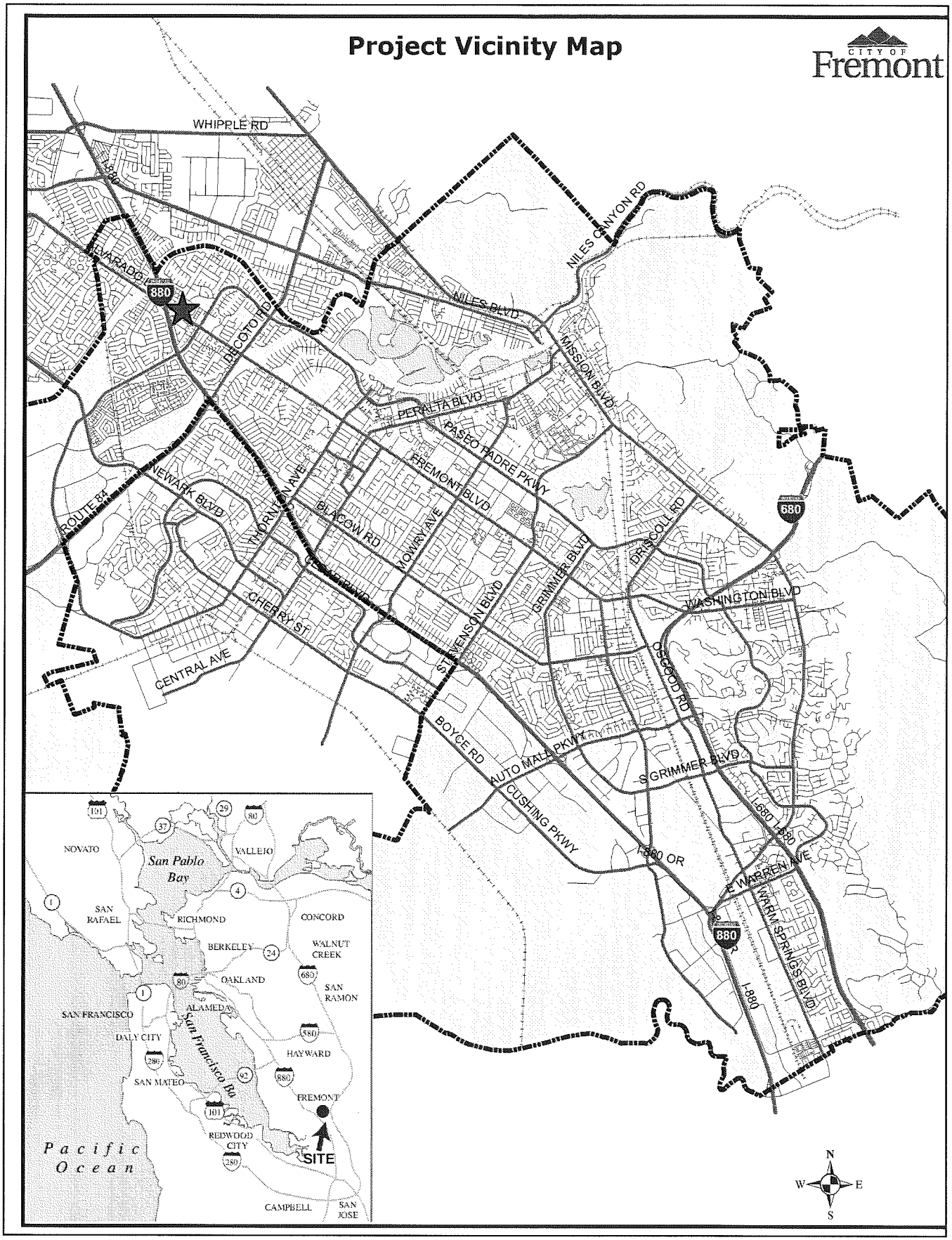
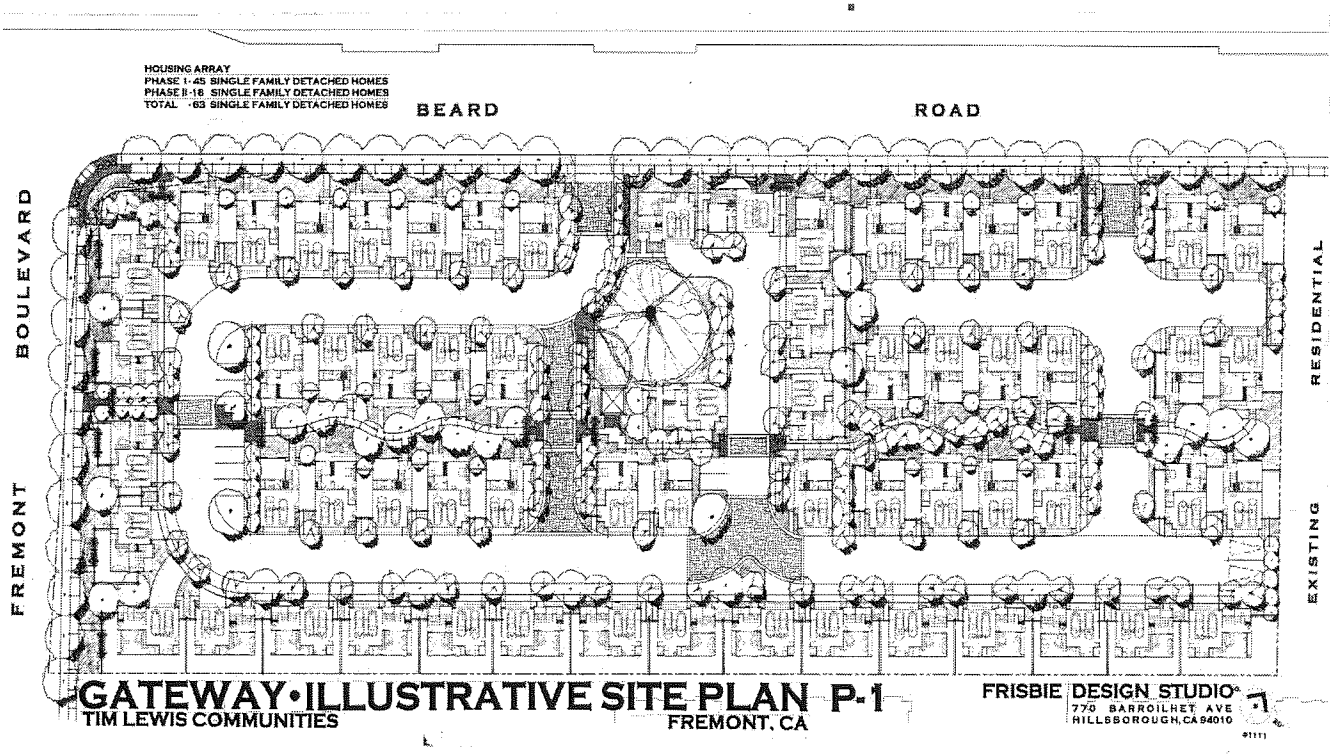

Project Vicinity Map
CITY OF Fremont
WHIPPLE RD
I-880
ALVARADO
880
DECOTO RD
NILES CANYON RD
NILES BLVD
MISSION BLVD
PERALTA BLVD
PASEO PADRE PKWY
FREMONT BLVD
NEWARK BLVD
ROUTE 84
THORNTON AVE
BLACOW RD
MOWRY AVE
CHERRY ST
CENTRAL AVE
STEVENSON BLVD
GRIMMER BLVD
DRISCOLL RD
680
WASHINGTON BLVD
OSGOOD RD
BOYCE RD
AUTO MALL PKWY
S GRIMMER BLVD
CUSHING PKWY
I-680
I-880 OR
E WARREN AVE
WARM SPRINGS BLVD
I-880
N
W
E
S
NOVATO
San Pablo Bay
VALLEJO
SAN RAFAEL
RICHMOND
CONCORD
BERKELEY
WALNUT CREEK
OAKLAND
SAN RAMON
SAN FRANCISCO
ALAMEDA
San Francisco Bay
DALY CITY
HAYWARD
SAN MATEO
FREMONT
REDWOOD CITY
SITE
Pacific Ocean
CAMPBELL
SAN JOSE

Exhibit A—Site Plan



## I. AESTHETICS - Would the project:

| ISSUES: | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact | Information Sources |
|---|---|---|---|---|---|---|
| a. | Have a substantial adverse effect on a scenic vista? | | | | X | 1, 8, 11, A |
| b | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | X | 1, 8, 11, A |
| c. | Substantially degrade the existing visual character or quality of the site and its surroundings? | | | X | | 1, 311, A,E |
| d. | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | | | X | 1, 3,11, A,E |

*Comment:* The General Plan does not identify any significant scenic resources in the vicinity of the subject site and there is no state scenic highway in the area. The surrounding area is a principally a mix of suburban design residential multi-family and small lot single family development. The project design was carefully planned to meet the intent and purpose of the R-3 District, Multi-family zoning, and to reduce impacts on the surrounding neighborhood character. The proposed project would involve the development of 63 single-family detached townhouses compatible with the character of the existing setting and surrounding residential uses of single- and multi-family. Upon development of the proposed project, the property's visual character would be that of detached townhouses at a density of 13.7 units per acre. The units would be situated in rows separated by private open space (side yards) between units, largely uniform in appearance with a building design focus on individual unit identity. The units would be three stories and up to 40 feet (tallest unit as measured from grade to roof ridge). Roofline articulation and roof massing would be articulated at the street elevation and a setback of 15 feet would be established adjacent to the rear yards of three existing single-family houses adjacent to the north edge of the property. There would be a mix of front-loaded units (front door and garage facing street) and rear-loaded units (front door facing street and garage at rear alleyway) within the development. Building separation would be generally 10 feet to provide usable private open space in the form of side yards, in addition to second-floor deck spaces proposed within the units. The development would be served by a private loop street connected to motor courts, as wells as a central-spine pedestrian paseo system would be incorporated that connects to the private street, common open space and public sidewalks on Fremont Boulevard and Beard Road.

The proposed residential project would be designed to be compatible with the aesthetics of the surrounding development patterns, and would be no significant impacts of the project on scenic resources. No mitigation is required.

## II. AGRICULTURE AND FOREST RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

| ISSUES: | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact | Information Sources |
|---|---|---|---|---|---|

| | | | | | | |
|---|---|---|---|---|---|---|
| a. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | | X | 1, 8, 20 |
| b. | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | | X | 1, 8, 20 |
| c. | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? | | | | X | N/A |
| d. | Result in the loss of forest land or conversion of forest land to non-forest use? | | | | X | N/A |
| e. | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use? | | | | X | N/A |

*Comment:* The site does not contain any farmland/agricultural resources. The State's Alameda County Farmland 2010 map (ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/ala10.pdf) identifies the project site as "urban and built-up land." Further, there are no agriculturally-zoned lands or existing Williamson Act contracts in project area. As such, no agricultural resource or forest resource impacts would result from development of the project.

**III. AIR QUALITY** - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

| ***ISSUES:*** | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Conflict with or obstruct implementation of any applicable air quality plan? | | | | X | 1, 21, 22 |
| b. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | | X | | | 1, 21, 22 |
| c. | Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | | | X | | 1, 21, 22 |
| d. | Expose sensitive receptors to substantial pollutant concentrations? | | | | X | 1, 3, 6, 21, 22 |
| e. | Create objectionable odors affecting a substantial number of people? | | | | X | 1, 3, 6 |

*Comment:* The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts of construction, area, and operational related to criteria pollutants of the adopted Clean Air Plan. The Clean Air Plan focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient

concentrations of these pollutants for reporting purposes. The closest of such monitoring station is #1014 at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include Reactive Organic Gases (ROG), Nitrous Oxides (NOx), and Particulate Matters (PM10 and PM2.5). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. General conformity to the Clean Air Plan considers qualitative analysis of consistency with planning assumptions of 2007 ABAG projections and the General Plan for growth estimates of the City and Bay Area. Construction thresholds considered incorporation of best management practices and the type and duration of activities.

The proposed density of development is consistent with the blended underlying General Plan land use designations. Development of 63 new homes would generate approximately 630 average daily trips as occupied homes. This would result in associated emissions of only 20 percent of the relevant air quality thresholds, well below established thresholds. During construction there would be construction traffic associated with development and grading of the site. The grading plan calls for 5,000 cubic yard of cut and 30,000 cubic yards of fill. The temporary effects of construction could cause dust in the air during construction if not managed through dust control methods. Mitigation Measure 1 would limit particulate matter (dust emissions) to a less-than-significant level.

**Mitigation Measure 1:**

Dust Control: Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.

1. Water all active construction and site preparation work areas at least twice daily and more often during windy periods.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas
6. Enclose or cover securely exposed stockpiles.
7. Replant vegetation in disturbed areas as quickly as possible.
8. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

## IV. BIOLOGICAL RESOURCES - Would the project:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | | X | | | A, 1, 8 |
| b. | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? | | | | X | A, 1, 8 |

| | | | | | | |
|---|---|---|---|---|---|---|
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | | | | X | A, 1, 8 |
| d. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | | | | X | A, 1, 8 |
| e. | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | | | X | A, 1, 8, 24 |
| f. | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | | | | X | 1, 8 |

*Comment:* The site has been developed with a single family home, accessory structures, and a roadside market. Staff visited the site and did not observe any characteristics that would signify the presence of biological communities of note due to its suburban location and land management practices of the owner. The site does contain some isolated large trees that could become inhabited by nesting birds and raptors until such time as construction was to occur. Appropriate pre-construction avoidance mitigation is included below to ensure there is no accidental take of a nesting bird at the time of construction.

**Mitigation Measure 2:**
Should project construction ground disturbance be scheduled to commence between February 1 and August 31, a pre-construction survey shall be conducted by a qualified biologist for nesting birds within the onsite trees or trees proposed for removal as well as trees within 50 feet of the site. This survey shall be conducted 20 days prior to the on-set of construction or tree removal. Results of the survey shall be provided to the City of Fremont prior to initiation construction activities.

If pre-construction surveys undertaken during the nesting season locate active bird nests within or near construction zones or within trees proposed for removal, these nests, and an appropriate buffer zone around them (as determined by a qualified biologist) shall remain off limits to construction or shall postpone the tree removal until the nesting season is over. Suitable setbacks from occupied nests shall be established by a qualified biologist and maintained until the conclusion of the nesting season. Typical exclusion would be a minimum of 50-200 feet in the urbanized context of the site, location, and species. Final determination shall be made by the Community Development Director upon receipt of the biologist's recommendation.

The City's tree preservation ordinance allows tree removal associated with development projects based upon certain site-specific development considerations. The City landscape architect has reviewed and approved the plan, which existing trees would be removed, except for the retention and perseveration of the evergreen ash within a future common open space area of the proposed development. There are no trees on the site considered landmark or presumptive landmark trees (i.e., all existing trees are less than a 54-inch diameter at breast height). Per ordinance requirements, tree replacement requirements would be provided by planting of replacement trees or payment of in-lieu fees due to the removal of existing trees on the site. Compliance with the City's Tree Preservation Ordinance would result in a less-than-significant impact on tree resources with mitigation.

## V. CULTURAL RESOURCES - Would the project:

| ISSUES: | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact | Information Sources |
|---|---|---|---|---|---|---|
| a. | Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57? | | | | X | 1, 11, 28, 29 |
| b. | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | | | | X | 1, 11, 28, 29 |
| c. | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | | | | X | 1, 11, 28, 29 |
| d. | Disturb any human remains, including those interred outside of formal cemeteries? | | | | X | 1, 11, 28, 29 |

*Comment:* The subject site is made up of three parcels totaling 4.7 gross acres (or 4.6 net acres). The roadside market located at the corner of Beard Road and Fremont Boulevard is on a 0.8-acre parcel and has been occupied since 1955; and the Church was constructed in the late 1970s is located on a 1.93-acre parcel. The roadside market, former house and barn (all of more than 50 years of age) and compromised farmstead setting were previously subject to historical evaluation and were all found to be not eligible for California Register of Historic Resources (or "California Register") by the City of Fremont Historic Architectural Review Board. As the site contains no historic resources, no mitigation is required.

No known significant paleontological or archaeological resource, structure or object has been identified either on the project site or in the general area of the project site. There are no known unique cultural resources, and therefore, no potential for restrictions. However, should any human remains or historical or unique archaeological resources be discovered during construction of the new service yard, the provisions of CEQA Guidelines, Section 15064.5(e) and (f) for notification and evaluation will be followed to reduce impacts to such resources to a less-than-significant level.

## VI. GEOLOGY AND SOILS - Would the project:

| ISSUES: | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact | Information Sources |
|---|---|---|---|---|---|---|
| a. | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| | i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | X | | 1, 5, 6 |
| | ii) Strong seismic ground shaking? | | | X | | 1, 5, 6 |
| | iii) Seismic-related ground failure, including liquefaction? | | | X | | 1, 5, 6 |
| | iv) Landslides? | | | | X | 1, 5, 6 |
| b. | Result in substantial soil erosion or the loss of topsoil? | | | | X | 1, 5, 6, 8 |
| c. | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | | | | X | 1, 5, 6, C |
| d. | Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property? | | | | X | 1, 5, 6, C |
| e. | Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems | | | | | N/A |

| | | | | | | |
|---|---|---|---|---|---|---|
| | where sewers are not available for the disposal of waste water? | | | | | |

*Comment:* The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 State of Geologic and Seismic Hazard Zones map, the project site is located in an area susceptible to earthquake-induced liquefaction. Therefore, all proposed structures must be designed in conformance with geotechnical and soil stability standards as required by California Building Code (CBC). Conformance to the applicable CBC standards would result in the project having no significant impacts to the safety of the site, its occupants, or the adjacent properties.

The applicant retained a geotechnical engineering firm, ENGEO Inc., to prepare a geotechnical study that analyzed geologic conditions of the site. The geotechnical analysis concluded that the proposed development could generally be constructed as planned, with several specific recommendations related to grading, fill material, building pad treatment and foundation design. All of these recommendations would be incorporated into project design and accomplished through routine construction techniques consistent with the requirements of the building code. No mitigation is required.

## VII. GREENHOUSE GAS EMISSIONS - Would the project:

| ***ISSUES:*** | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | | | | X | 1, 3, 8, 21, 22, 23 |
| b. | Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | | | | X | 1, 3, 8, 21, 22, 23 |

*Background:*
With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a Statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32's goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG analysis uses carbon dioxide equivalents (CO2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO2. The State 2005 GHG emission inventory was 479 million metrics tons of CO2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO2e for every person in California down to about 10 tons per person by 2020. The City of Fremont greenhouse gas emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

*Comment:* Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. This is identified within the City's General Plan Conservation Element and certified EIR as the context for reviewing project effects and global climate changes. The Fremont General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020. The proposed project meets the description of the "Standard Housing" development profile of single-family dwellings established in the General Plan EIR analysis. The project includes the green building requirement of achieving 50 points on the Build It Green checklist and specifically includes a requirement to exceed Title 24 energy usage allowances by 15 percent. The proposed project with 63 new homes would generate approximately 1,106 metric tons of CO2e in 2013 terms. The estimate was prepared using the BAAQMD modeling tools of URBEMIS 2007 v 9.2.4. and the spreadsheet program BGM Calculator 1.1.9. As a development project that is consistent with the General Plan land use and greenhouse gas emission projections, the project would not cause a cumulatively considerable projected increase in emissions and would not hinder or delay the ability of the State to reach the goal-levels set forth in the Scoping Plan. As such, the project would have a less-than-significant effect on global climate change.

## VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | | | | X | 1, 6, 7 |
| b. | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | | | | X | 1, 6, 7 |
| c. | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | | | | X | 1, 3 |
| d. | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | | | | X | 1, 18, C |
| e. | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | | | | X | N/A |
| f. | For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | | | | X | N/A |
| g. | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | | | | X | 1, 6, 7 |
| h. | Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | | | | X | 6, 8, 29, C |

*Comment:* A Phase I Environmental Site Assessment was prepared for the site. No hazards or hazardous materials exist on the site or in the vicinity, nor would any be added along with the proposed residential subdivision. The site is not listed on the Cortese list, is not near an airport, would not interfere with emergency plans, and would be designed in consistency with fire safety requirements. No mitigation is required.

## IX. HYDROLOGY AND WATER QUALITY - Would the project:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Violate any water quality standards or waste discharge requirements? | | | | X | 1, 6, 8, 14, 15, 16 |
| b. | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | | | | X | 1, 6, 8, 14, 15, 16 |
| c. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | | | | X | 1, 6, 8, 14, 15, 16 |
| d. | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | | X | 1, 6, 8, 14, 15, 16 |
| e. | Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | | | X | | 1, 6, 8, 14, 15, 16,E |
| f. | Otherwise substantially degrade water quality? | | | | X | 1, 6, 8, 14, 15, 16 |
| g. | Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | | | | X | 1, 6, 17 |
| h. | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | | | | X | 1, 6, 17 |
| i. | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | | | | X | 1, 6, 8, 17 |
| j. | Inundation by seiche, tsunami, or mudflow? | | | | X | 1, 6, 8, 17 |

*Comment:* The proposed modifications to the site would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. The existing site currently drains towards Beard Road and Alameda County Flood Control Line K-4-2. The proposed utility plan maintains drainage to Line K-4-2 along Beard Road. Post-project flows would be metered in accordance with Alameda County

requirements to not increase flow rates above the pre-project condition. Approximately 123,700 square feet of the site would be impervious surfaces such as streets, sidewalks, driveways, and roofs. The applicant proposes to treat the site runoff and control the flow rate offsite in conformance to the C.3 requirements using a combination of bioretention facilities, self-treating areas, and pervious pavers, and subterranean pipes for hydromodification flow control. Incorporation of these techniques and measures would conform to NPDES C.3 treatment and flow controls required of new development and result in the project not having a significant impact on water quality.

The project site is located within the Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0433G, effective August 3, 2009. According to the map, the project site is located within the unshaded X zone, and is therefore outside of the 100-year flood zone. The project site is also not situated within an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir.

According to the Alameda County Water District (ACWD), two water wells exist on the site. In accordance with ACWD Ordinance No. 2010-01, the wells would be required to be brought into compliance or properly destroyed prior to development of the site.

The project will not create a significant impact on hydrology or water quality. No mitigation is required.

## X. LAND USE AND PLANNING - Would the project:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Physically divide an established community? | | | | X | 1, 2, 3, 8 |
| b. | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | | | | X | 1, 2, 3, 8 |
| c. | Conflict with any applicable habitat conservation plan or natural community conservation plan? | | | | X | 1, 2, 3, 8 |

*Comment:* The area in which the project site is located is in a residentially-zoned district with similar residential uses adjacent to it. The project is proposed as a Planned District to allow for the blending of residential land use densities. The overall net project density would be 13.7 units per acre, which would be consistent with the underlying land use designations of the project site. In addition, there are no applicable land use regulations or habitat conservation plans affecting the project site that have been designed specifically for the purposes of avoiding or mitigating an environmental impact. As such, the project would not divide any established communities or conflict with any special land use policies or habitat conservation plans or similar regulations.

## XI. MINERAL RESOURCES - Would the project:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | | | | X | 8 |
| b. | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general | | | | X | 8 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | plan, specific plan or other land use plan? | | | | | |

*Comment:* There are no known mineral resources of importance to the state or region on the property. No mitigation is required.

**XII. NOISE** - Would the project result in:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | | X | | | 1, 3, 9, D |
| b. | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | | | | X | 1, 3, 9, D |
| c. | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | | 1, 3, 9, D |
| d. | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | | | X | | 1, 3, 9, D |
| e. | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | | | | X | N/A |
| f. | For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | | | | X | N/A |

*Comment:* In accordance with the Fremont General Plan, the maximum acceptable outdoor noise levels in residential areas is not to exceed an Ldn of 60 dB(A); however, the maximum conditionally acceptable outdoor noise levels is not to exceed an Ldn of 65dB(A). These levels would be applicable to common open space areas in multi-family developments such as the one proposed, and are used as a guide to the design of developments. Indoor noise levels are limited to an Ldn of 45 dB(A) in new housing units.

The General Plan requires that a noise study compliant with the California Building Code's methodology be prepared and submitted to the City prior to the issuance of a permit for all new housing exposed to an exterior Ldn of 60 dB(A) or greater. The major noise source affecting the project site is contributable to traffic noise levels from the primary arterial road along the project frontage, Fremont Boulevard.

A project noise study was completed by an acoustical consultant, Charles M. Salter Associates, Inc. Estimated future were found to fall into the normally acceptable, conditionally acceptable, and unacceptable ranges (without mitigation). Preliminary recommendations were included in the noise study to mitigate interior noise levels to an acceptable level, including installing windows and doors with sound insulation ratings in the range of Sound Transmission Class (STC) of 35 to 40 in units along Fremont Boulevard, and an STC of 30 to 34 in units along Beard Road. Generally, exterior outdoor noise levels (i.e., at private and common open spaces) were estimated to be at or below and Ldn of 65 due to their distance of separation from and/or orientation to Fremont Boulevard (i.e., not within a line-of-sight). This includes the centralized common open space area where the existing evergreen ash tree is proposed for retention and at second-floor decks that are oriented opposite (or away) from Fremont Boulevard. The use of sound walls would be incorporated at side yards between units along Fremont Boulevard and Beard Road if during final design review of subdivision improvements and building permit review exterior noise levels are determined to exceed an Ldn of 60 at the proposed common open space. As permitted under the

General Plan, however, the outdoor noise standard would not normally be applicable to the second-level decks within the homes. With implementation of the recommendations contained in the noise study, noise impacts would be mitigated to be less than significant.

Development of the project would result in a temporary increase in noise levels during daytime hours. All construction-related activities will be required to comply with the noise standards contained in the City of Fremont's Municipal Code which limits such activities to certain times of the day and week to reduce noise impacts on adjacent properties. These restrictions are:

Monday-Friday, 7 a.m. to 7 p.m.
Saturday & Holiday, 9 a.m. to 6 p.m.
Sunday, no construction activity allowed

The above construction hours will ensure that potentially loud construction activities would occur during daylight hours, when potential short-term noise impacts would be less than significant.

**Mitigation Measure 2:**
Prior to approval of final map and issuance of building permits for the construction of homes, the applicant shall retain the services of an acoustical consultant to verify adherence to the preliminary noise recommendations of the October 2012 "Fremont Gateway, Environmental Noise Assessment" prepared by Charles M. Salter Associates, Inc. and include final acoustic specifications for review by the City of Fremont during building permit plan check.

## XIII. POPULATION AND HOUSING - Would the project:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | | | | X | 1, 2, 4 |
| b. | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | | X | 1, 2, 4 |
| c. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | | X | 1, 2, 4 |

*Comment:* The proposed project would result in the construction of an additional 62 (net new) dwelling units consistent with the site's General Plan land use designations. Its development would not induce significant population growth in the surrounding area as it is the last large developable property in the area. In addition, the project would not result in the displacement of a substantial number of existing homes or peoples. As such, the project would not have an impact on population or housing, and no mitigation is required.

## XIV. PUBLIC SERVICES:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| Fire protection? | | | | X | 1, 10 |
| Police protection? | | | | X | 1, 10 |
| Schools? | | | | X | 1, 10 |
| Parks? | | | | X | 1, 10 |
| Other public facilities? | | | | X | 1, 10 |

*Comment:* On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities Fees, Capital Facilities Fees, and Fire Service Impact Fees.

The proposed project is located in an area of the city where public services needed to serve the project are already in place. The fee collected in the amounts required for each aspect of provision of public services would be sufficient to provide those public services into the future. As such, the project would not significantly impact public services.

## XV. RECREATION:

| ***ISSUES:*** | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | | | | X | 1, 2, 3, 12 |
| b. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | | | | X | 1, A |

*Comment:* The proposed use of the property would not result in any impacts to or increased demand on any existing parks or other recreational facilities. No mitigation is required.

## XVI. TRANSPORTATION/TRAFFIC - Would the project:

| ***ISSUES:*** | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | | | | X | 1, 3, 7 |
| b. | Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | | | | X | 1, 3, 7 |
| c. | Result in a change in air traffic patterns, including either an | | | | X | 1, 3, 7 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | increase in traffic levels or a change in location that results in substantial safety risks? | | | | | |
| d. | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | X | 1, 3, 7 |
| e. | Result in inadequate emergency access? | | | | X | 1, 6, 7 |
| f. | Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | | | X | 1, 3, 7 |

*Comment:* The proposed 63 new units would contribute net new trip increases of 603 weekday vehicle trips, 47AM peak hour trips, and 64 PM peak hour trips. The site would be accessible from Beard Road with initially one formal point of access (and a secondary emergency vehicle access through the Church parking lot) in the first phase. A second point of access connecting to the internal private loop road would be constructed in the second phase when the balance of the 18 units would be constructed. Traffic to and from the project site would utilize Fremont Boulevard, Beard Road and Milton Street. Fremont Boulevard has a weekday volume of 22,800, a PM Peak volume of 1,980 and an AM Peak hour volume of 2,190 vehicles. The proposed project would increase the weekday volume on Fremont Boulevard by 2.64% the PM peak hour volume by 3.23% and the AM peak hour volume by 2.15%.

The City of Fremont identifies within its Mobility Element that level of service (LOS) for signalized intersections at LOS "D" is the transportation operations threshold of significance. LOS D represents a moderate amount of vehicle delay during the peak hour of intersection operations. The closest intersection to the project site is the Fremont Boulevard/Beard Road intersection located at the southwest corner of the project site, permitting right turn-in and –out turning movements on both the Fremont Boulevard and Beard Road approaches. The closest major signalized intersection is Fremont Boulevard and Paseo Padre Parkway 1,200 feet to the south of the site. This intersection operated at an LOS D level during the recent 2010 General Plan Update EIR analysis. Due to the projected low number of trips created by the project, traffic impacts would result in less-than-significant on the Fremont Boulevard/Beard Road intersection operations. In addition, the primary roadways of Fremont Boulevard, Beard Road and Milton Street would operate with no significant impacts to its traffic capacity. As such, no traffic mitigation is required.

Construction traffic would be generated by the project with an emphasis during grading. Normal construction traffic would be controlled for a site such as this through the application of the City's construction hours, which have the effect of limiting impacts on the neighborhood. These trucks would be in operation during normal workday hours, which would not create a significant impact on traffic operations.

## XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | | | | X | 10, agency notice |
| b. | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X | 10, agency notice |
| c. | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | | | | X | 10, F, agency notice |

| | | | | | | |
|---|---|---|---|---|---|---|
| d. | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | | | | X | 10, agency notice |
| e. | Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | | | | X | 10, agency notice |
| f. | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | | | | X | 10, 24 |
| g. | Comply with federal, state, and local statutes and regulations related to solid waste? | | | | X | 10, 24 |

*Comment:* The proposed project would result in a net increase of 62 units above that which is existing onsite. Based upon agency responses to plan review and engineering studies resulting in the planned development pattern, all utilities necessary to serve the project, including natural gas, electricity, water, stormwater, and sewer facilities exist in the neighborhood and could be tied into without modification of these systems offsite. The project would be served by an existing citywide franchised waste hauler agreement in compliance with applicable standards. As such, the project would not have a significant impact on existing utilities or services.

## XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

| *ISSUES:* | | *Potentially Significant Impact* | *Potentially Significant Unless Mitigation Incorporated* | *Less Than Significant Impact* | *No Impact* | *Information Sources* |
|---|---|---|---|---|---|---|
| a. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | | | | X | See Previous |
| b. | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | | | | X | See Previous |
| c. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | | | X | | See Previous |

*Comment:* The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less than significant level.

## XIX. MITIGATION MEASURES:

**Mitigation Measure 1:**
Dust Control: Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.

1. Water all active construction and site preparation work areas at least twice daily and more often during windy periods.
2. Cover all hauling trucks or maintain at least two feet of freeboard.
3. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
4. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas
6. Enclose or cover securely exposed stockpiles.
7. Replant vegetation in disturbed areas as quickly as possible.
8. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

**Mitigation Measure 2:**
Should project construction ground disturbance be scheduled to commence between February 1 and August 31, a pre-construction survey shall be conducted by a qualified biologist for nesting birds within the onsite trees or trees proposed for removal as well as trees within 50 feet of the site. This survey shall be conducted 20 days prior to the on-set of construction or tree removal. Results of the survey shall be provided to the City of Fremont prior to initiation construction activities.

If pre-construction surveys undertaken during the nesting season locate active bird nests within or near construction zones or within trees proposed for removal, these nests, and an appropriate buffer zone around them (as determined by a qualified biologist) shall remain off limits to construction or shall postpone the tree removal until the nesting season is over. Suitable setbacks from occupied nests shall be established by a qualified biologist and maintained until the conclusion of the nesting season. Typical exclusion would be a minimum of 50-200 feet in the urbanized context of the site, location, and species. Final determination shall be made by the Community Development Director upon receipt of the biologist's recommendation.

**Mitigation Measure 3:**
Prior to approval of final map and issuance of building permits for the construction of homes, the applicant shall retain the services of an acoustical consultant to verify adherence to the preliminary noise recommendations of the October 2012 "Fremont Gateway, Environmental Noise Assessment" prepared by Charles M. Salter Associates, Inc. and include final acoustic specifications for review by the City of Fremont during building permit plan check.

## GENERAL SOURCE REFERENCES:

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title VIII (e.g. Planning and Zoning, Subdivision, Grading and Maps)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2010
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title IV Sanitation and Health (e.g. solid waste, tree protection, etc.)
25. City of Fremont Municipal Code Title VI Public Works and Public Utilities (e.g. streets, sidewalks, etc.)
26. City of Fremont Municipal Code Title VII Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

## PROJECT RELATED REFERENCES:

A. Site visit by City staff, October 2012
B. Geotechnical Exploration, ENGEO Incorporated, July 2, 2012
C. Modified Phase I Environmental Site Assessment , ENGEO Incorporated, January 27, 2012
D. Environmental Noise Assessment, Charles M. Salter Associates Inc., October 12, 2012
E. Project Development Plans December 2012